

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

The Estates of YARON UNGAR)
and EFRAT UNGAR, by and)
through the Administrator of)
their estates David Strachman;)
DVIR UNGAR, minor, by his)
guardians and next friend;)
YISHAI UNGAR, minor, by his)
guardians and next friend;)
PROFESSOR MEYER UNGAR, JUDITH)
UNGAR, RABBI URI DASBERG,)
JUDITH DASBERG, (individually)
and in their capacities as)
legal guardians of plaintiffs)
Dvir Ungar and Yishai Ungar);)
AMICHAH UNGAR; DAFNA UNGAR)
AND MICHAH COHEN,)

Plaintiffs)

v.)

C.A. No. 00-105L)

THE PALESTINIAN AUTHORITY)
(A.K.A. "THE PALESTINIAN)
INTERIM SELF-GOVERNMENT)
AUTHORITY"), THE PALESTINE)
LIBERATION ORGANIZATION,)
YASSER ARAFAT, JIBRIH RAJOUR,)
MUHAMMED DAHLAN, AMIN)
AL-HINDI, TAWFIK TIRAWI, RAZI)
JABALI, HAMAS - ISLAMIC)
RESISTANCE MOVEMENT (A.K.A.)
"HARAKAT AL-MUQAWAMA)
AL-ISLAMIYYA"), ABDEL RAHMAN)
ISMAIL ABDEL RAHMAN GHANIMAT,)
JAMAL ABDEL FATAH TZABICH AL)
HOR, RAED FAKHRI ABU HAMDIYA,)
IBRAHIM GHANIMAT and IMAN)
MAHMUD HASSAN FUAD KAFISHE,)

Defendants)

ORDER

In view of the fact that the Court of Appeals has stated
that when a party is moving to set aside a judgment that was

secured by intentional and deliberate default the matter is fact specific, the Court will hold an evidentiary hearing to determine precisely what the facts are concerning the deliberate decision to default and the factual circumstances surrounding that matter.

The defendants will have the burden of proving the variety of factors set forth by the Court of Appeals which would justify a vacation of the judgment under these circumstances, including exceptional circumstances.

At an appropriate time, the Court will have a scheduling conference with the attorneys and establish a schedule for discovery and the filing of pre-hearing memoranda.

ENTER:

BY ORDER,



Ronald R. Lagueux
Senior Judge
April 1, 2010



Deputy Clerk